

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CV-652-FL

COLEMAN BENDER,)	
)	
Plaintiff,)	
)	
v.)	
)	
PENISTER, CLOSSON & ASSOCIATES,)	ORDER
INC. and TAMIKA LASHONNE)	
PENISTER, individually and d/b/a)	
Recovery mediation Services,)	
)	
Defendants.)	

The matter comes before the court where notice¹ has been filed by plaintiff [DE 15] advising that the parties have settled all matters in controversy among them. Request contained therein seeking additional time to file the appropriate closing documentation is allowed and this matter is DISMISSED subject to the right of any party to file a motion to reopen the case should settlement not be consummated within sixty (60) days hereof. **The plaintiff is directed to file his Notice of Voluntary Dismissal With Prejudice on or before Monday, July 22, 2013.**

Matters at issue will be marked now as concluded and hearing previously noticed for June 20, 2013 before the undersigned is discontinued from the court's docket. As there appears to be no further reason at this time to maintain the file as an open one for statistical purposes, this case is removed from the active docket.

¹ Plaintiff's notice offered on the docket as a Notice of Voluntary Dismissal does not on its face lend itself to be a final dismissal as prescribed by Fed. R. Civ. P. 41. Rather, the document serves to notice settlement reached and efforts for finalization by the parties ongoing. The court construes the item as a notice of settlement and proceeds accordingly.

SO ORDERED, this 22nd day of May, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge